

APPROVAL

RESOLUTION NO. A-_____

1 WHEREAS, Wachal Pet Health Center, hereinafter Appellant, is expanding its
2 pet health center by converting adjacent retail space into additional an office and
3 employee breakroom for the pet health center located at 201 Capitol Beach Blvd., Suite
4 10; and

5 WHEREAS, said addition contains 611 sq. ft. of gross floor area as defined in
6 Lincoln Municipal Code § 27.82.040; and

7 WHEREAS, under the Arterial Street Impact Fee Schedules a pet health center
8 is classified as medical office space; and

9 WHEREAS, under the Arterial Street Impact Fee Schedules the former retail
10 space was classified as shopping center under 100,000 sq. ft.; and

11 WHEREAS, pursuant to Lincoln Municipal Code § 27.82.050(c)(4) the Impact
12 Fee Administrator calculated the arterial street impact fees for the medical office space
13 based upon the net increase in the fee for the medical office space as compared to its
14 previous use as retail space using the arterial street impact fee schedule beginning
15 January 1, 2004. Specifically, the fee was calculated by first multiplying the unit of
16 measure for medical office space (\$4.160/ sq. ft.) x 611 sq. ft. = \$2,541.76. Then the
17 credit for the existing retail space was calculated by multiplying the unit of measure for
18 retail space (\$2.178/ sq. ft.) x 611 sq. ft. = \$1,330.70. The difference between the two
19 calculations resulted in a net increase of \$1,211.00; and

1 WHEREAS, the Appellant filed its notice of appeal appealing the impact fee
2 determination and requesting that the arterial street impact fees be waived or reduced
3 as Appellant's new use of the former retail space will produce no additional demand for
4 arterial street impact fee facilities as the expansion area does not include additional
5 exam or veterinary procedure space or kennel space and that strict application of the
6 impact fee ordinance's calculations under these circumstances work an unjust and
7 undue burden on the Appellant; and

8 WHEREAS, the City Council finds that there are unusual circumstances of the
9 development which demonstrate that the application of the fee to the development
10 would be unfair or unjust.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
12 Lincoln, Nebraska:

13 That the impact fee Notice of Appeal filed by Wachal Pet Health Center, on
14 December 20, 2004, is hereby approved and the arterial street impact fees are hereby
15 waived.

Introduced by:

Approved as to Form:

City Attorney

Approved this ____ day of _____, 2005:

Mayor